## Agenda Questions/Responses December 15,2005

- 17a. (1) Would the sale of newspapers on a street corner be prohibited?

  Only sales to a person in a vehicle would be prohibited. A person could sell newspapers on the street to other pedestrians.
  - (2) Could someone distribute flyers that include a fundraising plea (e.g., for a charitable group)?

    Distribution to other pedestrians would be OK, distribution to drivers of vehicles in traffic would be prohibited.
  - (3) Would someone hailing a taxi be prohibited? (Council Member Raul Alvarez) Equal application of the ordinance would restrict curbside solicitation of a taxi. This can be cured by adding an exception that says: This section does not apply to a person seeking transportation from a ground transportation passenger service authorized under Chapter 13-2 (Ground Transportation Passenger Services) of the City Code
- 17b. Can you please provide me with a copy of the language in state law that prohibits solicitation. Please provide the definition of solicitation that is in state law as well. (Council Member Raul Alvarez)

Transportation Code sections 552.007 and 552.0071 (adopted by SB 245) § 552.007. SOLICITATION BY PEDESTRIANS.

- (a) A person may not stand in a roadway to solicit a ride, contribution, employment, or business from an occupant of a vehicle, except that a person may stand in a roadway to solicit a charitable contribution if authorized to do so by the local authority having jurisdiction over the roadway.
- (b) A person may not stand on or near a highway to solicit the watching or guarding of a vehicle parked or to be parked on the highway.
- (c) In this section, "charitable contribution" means a contribution to an organization defined as charitable by the standards of the United States Internal Revenue Service.

### Sec. 552.0071, LOCAL AUTHORIZATION FOR SOLICITATION BY PEDESTRIAN.

- (a) A local authority shall grant authorization for a person to stand in a roadway to solicit a charitable contribution as provided by Section 552.007(a) if the persons to be engaged in the solicitation are employees or agents of the local authority and the other requirements of this section are met.
- (b) A person seeking authorization under this section shall file a written application with the local authority not later than the 11th day before the date the solicitation is to begin. The application must include: (1) the date or dates and times when the solicitation is to occur; (2) each location at which solicitation is to occur; and (3) the number of solicitors to be involved in solicitation at each location.
- (c) This section does not prohibit a local authority from requiring a permit or the payment of reasonable fees to the local authority.

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- (d) The applicant shall also furnish to the local authority advance proof of liability insurance in the amount of at least \$1 million to cover damages that may arise from the solicitation. The insurance must provide coverage against claims against the applicant and claims against the local authority.
- (e) A local authority, by acting under this section or Section 552.007, does not waive or limit any immunity from liability applicable under law to the local authority. The issuance of an authorization under this section and the conducting of the solicitation authorized is a governmental function of the local authority.
- (f) Notwithstanding any provision of this section, the existing rights of individuals or organizations under Section 552.007 are not impaired.
- 17c. What is the zone around the First Workers' site where you cannot solicit? How big of a radius does this area encompass? How is this area currently defined in the code? Please provide a map that shows the DACC boundaries and the area around the First Workers' site where solicitation is prohibited. (Council Member Raul Alvarez)

The attached map includes outlines of the three areas where solicitation is currently prohibited. It also includes the Downtown Austin Community Court (DACC) jurisdiction areas and the location of the First Workers' day labor center (4916 North IH-35). The First Workers' site is located within area 2 as defined by the current solicitation ordinance. This area encompasses an area of 1.9 square miles. The DACC boundaries according to city code are as follows:

### § 2-10-32 OFFENSES ADJUDICATED.

- (A) The Downtown Austin Community Court may hear cases relating to Class C misdemeanor offenses and City Code violations that occur in the following area, including the outside curb line of a street or highway:
  - (1) beginning at the intersection of 29th Street (West) and Lamar Boulevard (North);
  - (2) south on Lamar Boulevard (North) to the north shore of Town Lake;
  - (3) east along the north shore of Town Lake to the point directly south of the curve at the intersection of Bergman Avenue and Robert Martinez, Jr. Street;
  - (4) north to the curve at the intersection of Bergman Avenue and Robert Martinez, Jr. Street;
  - (5) west along Bergman Avenue to the intersection of Chicon Street;
  - (6) north on Chicon Street to the intersection of Seventh Street (East);
  - (7) west on Seventh Street (East) to the IH-35 East Frontage Road;
  - (8) north on the IH-35 East Frontage Road to the intersection of Martin Luther King, Jr. Boulevard;
  - (9) west on Martin Luther King, Jr. Boulevard to the intersection of Guadalupe Street;
  - (10) north on Guadalupe Street to the intersection of 29th Street (West); and
  - (11) northwest on 29th Street (West) to the intersection of Lamar Boulevard (North), the place of beginning.

23. Is this a new rotation list? If not, who was previously on the list? And when did Council approve the previous list? (Council Member Raul Alvarez)

This is a new rotation list, however there was a similar rotation list which began back in 1998 and was recently closed. It had a much broader scope than just Transmission Mains. It also covered "water lines, pump stations and other ancillary improvements". The firms on that list were HNTB, LAN, Espey-Huston (now PBS&J), and Metcalf & Eddy.

24. How does Staff account for a \$490,000 difference between lowest bidder and second lowest bidder on a \$170,000 contract? (Council Member Lee Leffingwell)

Reviewing the scope of the project and the unit prices that were bid, it appears that since the apparent low bidder (Muniz Concrete and Construction) is a smaller firm, their overhead and costs in doing business are substantially lower than the second low bidder, Keystone Construction. Historically, both companies have successfully completed various sizes of projects with the City of Austin.

40a. Please provide a list of the job titles of the persons who served on the evaluation team. Were all persons serving on the evaluation team employees of the Parks & Recreation Department? Do any of the respondents have current concessions with the City, if so, what are they? What are the businesses that the respondents have? How long have the respondents been in business? (Council Member Raul Alvarez)

Team members from PARD consisted of:

- o 3 Financial Consultants
- o 1 Program Supervisor
- o 1 Senior Events Coordinator

Team member from Purchasing: Senior Buyer - non-voting member

There are two vendors that responded to the RFP who have current concession contracts with the City:

- Rodriguez Concessions: Abel Rodriquez, President
   Zilker Park Train concession since 1993 (provides train rides)
   Barton Springs Food concession for over 30 years (sells food and beverages)
- 2. <u>Rowing Dock</u>: Rachel Thomas, General Manager Rowing Dock concession since January 2000 (provides canoes, kayak and rowing rentals)
- 40b. Upon receipt of this request, please forward to Mayor Pro Tem a copy of the matrix used to evaluate this contract. (Mayor Pro Tem Danny Thomas)

Please see attached response which has also been sent via email to Council offices as late back-up.

## 76. Has staff determined that the property owner is grandfathered from current zoning regulations? (Council Member Raul Alvarez)

The owner is not grandfathered for the majority of the uses on the site. The following is from the staff report:

### TRACT 30

The current use, Construction Sales and Services has been determined to be a Group "A" non-conforming use - the greatest level of nonconformity. The office and indoor storage of materials in a warehouse are "grandfathered. However, a number of other activities and buildings are in violation of Section 25-21-947 of the City Code. These include:

- 1. Loading and unloading of construction materials
- 2. Outside storage of construction materials
- 3. Outside storage of materials
- 4. Overnight parking of work trucks
- 5. Storage structures less than \$10,000 in value.

Section 25-2-947, "Nonconforming Use Regulation Groups" states that a Group "A" nonconforming use must cease any outside use not later than ten years after becoming nonconforming, in this case tens expired in the late 1970s.

#### Scenarios:

- a. In order to continue the outside storage of construction materials, the property must be zoned Commercial Services (CS).
- b. If the property owner wants to build a new structure to store the materials, the zoning must be changed to CS because a Group "A" nonconforming use may not be expanded.
- c. If not rezoned to CS, the property owner must remove the materials or store them in existing structures valued at \$10,000 or greater.

# 85. The vote tally is not included in the posting language. What was the vote? (Council Member Raul Alvarez)

First reading was approved on consent on a vote of 7-0.

### 97. For Questions 97 - 99:

At the last Council meeting, someone spoke of a report created in 1998 by an expert hired by the city to look at the develop ability of the properties. Can you please provide a copy of this report? (Council Member Raul Alvarez)

A report is attached and has also been sent to Council Offices via email.

Z-13. Do we know if our Parks and Recreation Department is planning to build 12 courts or 16 courts? (Council Member Raul Alvarez)

The goal is to build 16 courts. PARD is still in the design phase of the project and is not sure yet whether is will be possible to build 16 courts within the budget.

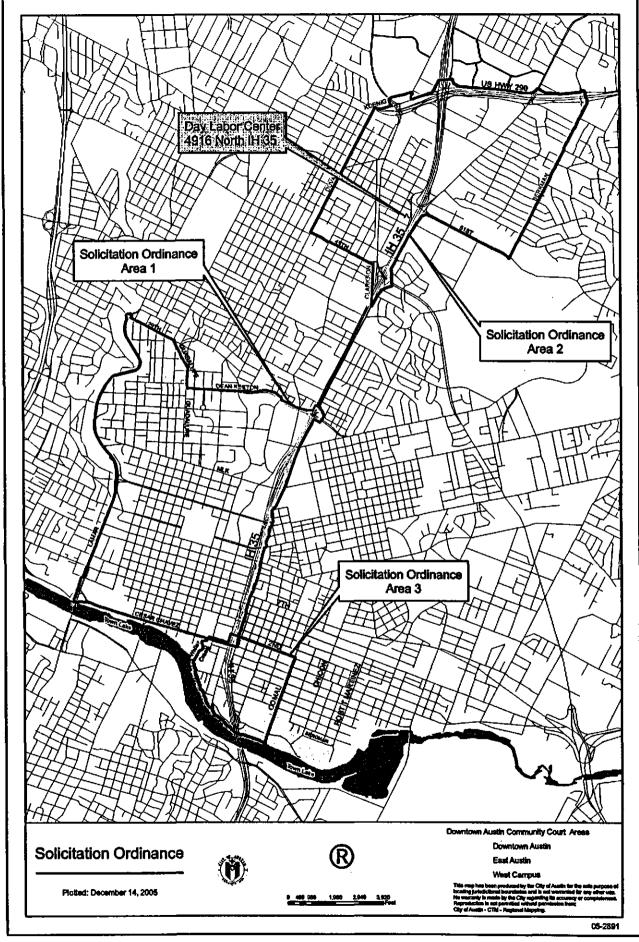
Z-20. We received a postponement request from a neighborhood resident. Is this case eligible for a postponement by the neighborhood? (Council Member Raul Alvarez)

Staff will be requesting a postponement to January 26, 2006; the applicant is in agreement.

Z-27. Why is staff requesting a DMU zoning designation? Isn't the proposed use off-site parking for Seaholm? Would CS or GR suffice for the purpose of serving the needs of Seaholm? Does staff has a preference for CS or GR?

(Council Member Raul Alvarez)

Staff finds that the applicability of DMU to this property is compatible with existing land uses and DMU zoning in the area. Furthermore, DMU zoning will require the City to implement pedestrian uses at ground level. CS & GR would permit a parking garage however, the decision to use the site for this use has not been made. The DMU allows for the greatest flexibility for the City.



# CHAMPION PROPERTY RM 2222 @ LOOP 360, AUSTIN, TX AS SUBJECT TO CWO

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The Champion Property consists of five parcels of land containing 243.8 acres. Four of the five parcels are located at the intersection of Capital of Texas Highway (Loop 360) and Bull Creek Road (RM 2222) and the fifth parcel is located on the southwest corner of the intersection of Bull Creek Road (RM 2222) and City Park Road. All of the property is located within the city limits of Austin and is zoned. Land Status Determinations from the City of Austin indicate that each of the parcels is considered to be a legal tract of land. Development of the property will be under the current requirements of Comprehensive Watersheds Ordinance (CWO) and other applicable City regulations.

The area surrounding the subject tracts consists of both vacant and developed properties. South of the Champion property are the Courtyard and Shepherd Mountain developments consisting of office and residential uses. Across Bull Creek to the east are residential areas, a fire station, and the County Line Restaurant. To the west is the undeveloped Canyon Ridge project with proposed retail adjoining the subject site. The northern portion of the property is adjacent to Jester Estates, a single family residential subdivision. A Buddhist temple and Lakewood Office Park are also proposed for development north of the subject site. These properties with the exception of the Buddhist temple, pursued approvals under earlier watershed ordinances. Opportunity to develop under previous ordinances was available to the owners of the Champion property prior to the passage of the Bull Creek. amendments to the CWO.

Development intensities have been calculated for the subject property under the current CWO rules and Hill Country Roadway Ordinance (HCRO) requirements. These calculations took into account the water quality zones, allowable impervious cover requirements and assumes that appropriate zoning could be obtained for the parcels requiring zoning changes. An assumption has been made that endangered species or their habitat would not impact the development potential of the tracts. See attached map and calculations for tract locations, water quality zones, and allowable impervious cover.

Tract 1 consists of 150.8 acres in the northwest quadrant of the RM 2222 and Loop 360 intersection. We have identified for purposes of our calculations three areas on Tract 1 that may be utilized for development. The parcel is currently somed \*8F-2\* and \*DR\* and a zoning change will be required for development of the property to a higher use. The first area of development would be near the corner of Loop 360 and RM 2222 and would consist of office development of about 350,000 square feet of building. The other two development areas could be utilized for multifamily uses consisting of approximately 675 units. Total impervious cover of about 1,300,000 square feet would be possible on the tract assuming the allowable transfers are utilized.

Tract 2 consists of 17.4 acres with development anticipated to occur along City Park Road. The parcel is currently zoned "DR" and a zoning change will be required for development of the property. Office use of the property could result in about 40,000 to 50,000 square feat of building depending on the type of office development proposed. Impervious cover of about 94,000 square feat is possible on the tract assuming the allowable transfers are utilized.

Tract 3 consists of 45.3 acres with development anticipated near the RM 2222 and City Park Road intersection. Topographic constraints on the property indicate that development would be limited to the portion of the property adjacent to City Park Road. A neighborhood retail/office development of approximately 50,000 square feet could be anticipated on the property. The allowable impervious cover of about 295,000 square feet should be sufficient for development of the property and transfers of impervious cover would not be required. The parcel is currently zoned "SP-2" and a zoning change will be required for any use other than single family residential.

Tract 4 consists of 9.1 acres with an allowable impervious cover of about 157,000 square feet with transfers. The parcel is currently zoned "GR-CO" and "RR" and a soning change is not necessary for commercial development of the parcel. Development of the tract could include mixed uses consisting of retail, restaurant, and office. Development of about 40,000 square feet of building could be anticipated for the property in a nontraditional design scenario incorporating the opportunity for access to Lake Austin.

Tract 5 consists of 21.2 acres with proposed development occurring near the intersection of Loop 360 and RM 2222. The parcel is currently zoned \*GR-CO\* and \*SF-2\* and a soning change is not required for commercial development of the parcel. Retail uses of about 13,000 square feet or a restaurant of approximately 6,000 square feet could be developed in addition to the existing Gators restaurant. The usable impervious cover on the tract would be about 49,000 square feet.

Transfer of impervious cover is assumed for Tract 1, Tract 2, and Tract 4. These transfer rights could be obtained through the dedication of the Critical Water Quality Zone (CWQZ) to the city for parkland. Maximum allowable transfer to Tracts 1, 2 and 4 would require the dedication of about 19.1 acres of the 53.1 acres of CWQZ. The remaining CWQZ could be utilized for parkland dedication requirements for the multifamily projects and for negotiation purposes with the City of Austin.

The proposed uses described above for the individual parcels are indications of one development scenario. Other options exit for the type of use and density that could be made of these tracts.

Utilities are available to serve the subject tracts. Participation in the West Bull Creek Water and Wastewater Improvements could be required for service to be provided. Participation in the West Bull Creek water contract would result in about \$ 4,325 per Living Unit Equivalent (LUB) cost in addition to the standard City of Austin Capital Recovery Fees. The water contract is currently scheduled to expire on December 31, 1996. Participation in the West Bull Creek wastewater contract would result in about \$417, \$249, or \$94 per LUB depending on which segment of the line is tied into. The wastewater contract is scheduled to expire on November 8, 1998. There is an uncertainty whether the contracts will expire as established. The possibility exists the contracts may be continued.

The cost participation in the West Bull Creek Water and Wastewater Improvements are approximately:

Tract	- Nater	Nastewate	I
	\$	\$	
1.	1,967,875	134,349	
2	56,225	3,237	(40,000 sf)
	73,525	4,234	(50,000 a£)
3	142,725	8,218	
4	211,925	4,610	•
5	56,225	1,223	(Retail)
	129,750	2,822	(Restaurant)

The cost estimate is based on LUE requirements for the uses proposed on each tract.

Prepared By: HOLFORD GROUP DEVELOPMENT CONSULTANTS January 1995

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### CHAMPION PROPERTY IMPERVIOUS COVER, TRACT 1

Site Area: 150.8 ac CWQZ: 24.8 ac WQTZ: 31.9 ac 18% IC: 5.7 ac (250,122 sf) Uplands: 94.1 ac 1500 ft square area: 17.5 ac NSA: 8.8 ac 40% 50% IC: 5.3 ac (229,99) (229,997-sf) 3,92 733,550 5.6 153.351 Additional NSA: 33.3 ac 40% IC: 13.3 ac (580,219 sf) . With Transfers 1500 ft NSA: 8.8 ac 20% IC: 6.2 ac (268,330 sf) @ 957 - 23 16 -1,008,632 Transferred 38,333 sf Additional NSA: 33.3 ac 55% IC: 18.3 ac (797,801 sf) Transferred 217,582 sf 14.82 Impervious Cover WOTZ: (5.7 ac Uplands: 19.6 ac 18:6 ac (810,216 st) 733,550 of 24.3 ac (1,060,338 st) 980,97/ 22.92 (250,122 sf) Total: With Transfers
WQTE: 22/6 5 7 ac (250,122 sf)
Uplands: 24.5 ac (1,066,131 sf) 1 000 000 Se 30-2 ac (3,316,253 af)( Total: Transfers utilized 255,915 sf

#### CHAMPION PROPERTY IMPERVIOUS COVER TRACT 2

Site Area: 17.4 ac

CWQZ: 7.4 ac

WQTE: 6.2 ac '

16% IC: 1.1 ac (48,613 sf)

Uplands: 3.8 ac

MSA: 1.9 ac 40% IC: 0.8 ac (33,106 af)

With Transfers

MSA: 1.9 ac 55% IC: 1.1 ac (45,520 af) Transferred 12,414 af

Impervious Cover

WQTZ: 1.1 ac Uplands: 0.8 ac (48,613 sf) (33,106 sf) (81,719 sf)

Total: 1.9 ac

With Transfers

WOTZ: 1.1 ac Uplands: 1.1 ac (48,613 sf) (45,520 sf)

Total: 2.2 ac (94,133 of)

Transfers utilized 12,414 sf

#### CHAMPION PROPERTY IMPERVIOUS COVER TRACT 3

Site Area: 45.3 ac

CMQZ: 5.6 ac

WQTZ: 17.0 ac 18% IC: 3.1 ac (133,294 sf)

Uplands: 22.7 ac

NSA: 9.3 ac

40% IC: 3.7 ac (162,043 sf)

With Transfers

NSA: 9.3 ac 55% IC: 5.1 ac (222,809 sf) Transferred 60,766 sf

Impervious Cover

WQTZ: 3.1 ac (133,294 st)

Uplands: 3.7 ac Total: 6.8 ac (162,043 sf) (295,337 sf)

With Transfers

3.1 ac WQTZ:

(133,294 sf) (222,809 sf) (356,103 sf) Uplands: 5.1 ac

Total: 8.2 ac

Transfers utilized 50,766 sf

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Site Area: 9.1 ac

CWQZ: 0.6 ac

WQTZ: 4.1 ac '

18% IC: 0.7 ac (32,147 ef)

Uplands: 4.4 ac

NSA: 4.1 ac (107,158 af)

With Transfers

NSA: 4.1 ac

70% IC: 2.9 ac (125,017 ef) Transferred 17,659 sf

Impervious Cover

WQTZ: 0.7 ac (32,147 sf) Uplands: 2.5 ac (107,158 sf) Total: 3.2 ac (139,305 sf)

With Transfers

WQTZ: 0.7 ac (32,147 sf) Uplands: 2.9 ac (125,017 sf) Total: 3.6 ac (157,164 sf)

Transfers utilized 17,859 sf

### CHAMPION PROPERTY IMPERVIOUS COVER TRACT 5

Site Area: 21.2 ac

CWQZ: 14.7 ac

WQTZ: 6.3 ac 18% IC: 1.1 ac (49,397 sf)

Uplands: 0.2 ac

NSA: 0.1 ac 40% IC: 0.1 ac (2,487 sf)

With Transfers

NSA: 0.1 ac 55% IC: 0.1 ac (3,419 sf) Transferred 932 sf

Impervious Cover

(49,397 sf) (2,487 sf) (51,884 sf) 1.1 ac WQTZ: Oplands: 0.1 ac Total: 1.2 ac

With Transfers

WQTZ: 1.1 ac Uplands: 0.1 ac Total: 1.2 ac (49,397 st) (3,419 st) (52,816 st)

Transfers utilized 932 sf

### CHAMPION PROPERTY CHRONOLOGY

LAKE AUSTIN INTERIM SUBDIVISION ORD (790913-AA)
Effective: September 13, 1979

not to exceed 80% impervious.

LAKE AUSTIN DEVELOPMENT PERMIT ORD (800103-N)

Effective:

January 14, 1980

Established site development regulations for development in Lake Austin Watersheds, including minimum standards for site disturbance and impervious cover (0-15% is 30% impervious, 15-25% slopes is 20% impervious, over 25% slope is 10% impervious; transfer allowed to 0-15% slopes

ANNEXATION ORD (800228-E) <Tracts 1, 3, 4, £ 5)

Effective: March 10, 1980

Provided for annexation into the City of Tracts 4 £ 5,

and that portion of Tracts 1 £ 3 within 200 feet of Loop
360.

LAKE AUSTIN IMPERVIOUS COVER FOR EXISTING LOTS ORD (820708-T) Effective: July 6, 1982

ANNEXATION CRD (830721-C) <Tract 1>
Effective: August 1, 1983
Provided for the annexation of the portion of Tract 1
within 700 feet of Loop 360 which had not been previously annexed.

LAKE AUSTIN SUBDIVISION ORD (831020-H)
Effective: October 20, 1983

LOOP 360 ORD (840105-AA)

Effective:

January 16, 1984

Provided for land use and density requirements, including height, building setbacks, landscaping, signage, and traffic requirements

IAKE AUSTIN SITE DEVELOPMENT ORD (840301-F)

Effective:

Established new site development regulations for development in Lake Austin Watersheds, including minimum standards for site disturbance, structural water quality controls and impervious cover, multifamily impervious, 40%, 10%, 5% and with transfers to lesser slopes 50%, 15%, 5%; commercial impervious, 65%, 15%, 5% and with transfer to lesser slopes 70%, 10%, 5%

LAKE AUSTIN SUBDIVISION ORD (840301-G)
Effective: March 1, 1984

ANNEXATION ORD (840503-H) <Tracts 1, 2, & 3)

Effective: May 3, 1984

Provided for annexation into the City of the portions of Tracts 1, 2, & 3 within 500 feet of the centerline of RM 2222

RM 2222 ORD (840927-R)

Bffective: October 7, 1984
Provided for land use and density requirements, including height, building setbacks, landscaping, buffers and natural areas, signage and traffic requirements

ANNSXATION ORD (841115-ZZ) <Tract 1>
Effective: November 15, 1984
Provided for the annexation of the remainder of Tract 1

LAKE AUSTIN AMEND COMMERCIAL IMPERVIOUS COVER ORD (841213-L)

Effective: December 13, 1984

Amended impervious cover requirements in Lake Austin

watershed for commercial subdivision and site

development; impervious of 50%, 15%, 5% and with transfers

50%, 10%, 5%

LOOP 360 MORATORIUM ORD (850523-J)

Effective: May 23, 1985

90 day moratorium on processing and consideration of zoning, rezoning, PUD's, PDA's, special permits and site plan approvals along Loop 360

LOOP 360 MORATORIUM EXTENSION ORD (851017-U)

Effective: October 17, 1985

Extension of moratorium through November 14, 1985

HILL COUNTRY ROADWAY ORD (860116-J)

Effective: January 27, 1985

Replaced Loop 360 Ord and RN 2222 Ord

HILL COUNTRY SITE FLAN ORD (870115-H)
Effective: January 26, 1987

Land Status Report (C81-87-20 to 24) <Tracts 1-5> Filed: March 18, 1987

Land Status Report (C81-87-20 to 24) <Tracts 1-5> Approved: March 27, 1987

Zoning Case (C14-91-0015) <Tract 4> February 13, 1991

Zoning Case (C14-91-0016) <Tract 5> Fabruary 13, 1991

Zoning Case (C14-91-0015) (Ord 920507-B) <Tract 4> May 7, 1992

Approval of GR-CO and RR zoning, including a restrictive covenant on the property and a street deed for additional FM 2222 R.O.W.

Zoning Case (C14-91-0016) <Tract 5> Withdrawn: July 28, 1992

Zoning Case (C14-92-0134) <Tract 5> November 18, 1992

Zoning Case (C14-92-0134) (Ord 930513-R) <Tract 5>
Effective: May 24, 1953
Approval of GR-CO zoning, including a re-

Approval of GR-CO zoning, including a restrictive covenant on the property and a street deed for additional FM 2222 R.O.W.

BULL CREEK MORATORIUM ORD (930708-G)

Effective: July 8, 1993

Regional development study along RM 2222 and the area in Bull Creek and West Bull Creek; moratorium on zoning cases

Bull Creek Study Summary Report
Dated: November 1993

BULL CREEK MORATORIUM ORD (930708-G)
Expired: November 7, 1993

BULL CREEK ORD (ORD 931209-H)

Effective: December 9, 1993

Amended the requirements for water quality controls including increased capture volumes for the Bull Creek and West Bull Creek watersheds; deleted legal tract exemption to watershed regulations

BULL CREEK ORD CITY WIDE (931216-R)

Effective: December 27, 1993

Made water quality requirements of Ord 931209-H

applicable City-wide.

Prepared By: HOLFORD GROUP Date: January 1995